

Message

From: Chingcuanco, Leonardo [Chingcuanco.Leonardo@epa.gov]
Sent: 9/8/2017 7:15:37 PM
To: Nick Snow [nick@harrislawfirmc.net]; Minor, Courtney B [Courtney.B.Minor@hud.gov]
CC: Kaiser, Steven [kaiser.steven@epa.gov]
Subject: USS Lead EPA comments to ECHA revisions on ASAO
Attachments: 17.09.08 Draft ECHA ASAO 17.06.14 - NAS REVISIONS AND COMMENTS - LC com....docx

Hi Everyone,

Please find attached EPA's comments to ECHA's revisions dated August 2, 2017, for our call on Monday, September 11. As before, there are some internal references I'll need to clean up—that will be addressed when we're closer to finalizing the language.

These two points are stated in the comments to the attached, but I want to say them here as well:

1. We understand why ECHA is interested in adding additional language, and we want to work with you on the story that is presented, to the extent possible. That said, legal provisions in this document were taken from an EPA model which is very difficult to deviate from without compelling reason, and the nature of the work being proposed is simply too run-of-the-mill to warrant substantial changes. That is to say, from our perspective this is a very typical and very straightforward agreement of the type EPA has executed countless times in the past, and while we want to work with you to help ECHA get comfortable with the terms, EPA does not have a lot of flexibility here.
2. The findings of fact and conclusions of law made in this document are made by EPA. Paragraph 4 allows ECHA to deny or contest those statements in other proceedings, and we are willing to streamline certain facts as appropriate. But we are not in a position to include facts that EPA cannot verify, such as ECHA's internal motives and deliberations. ECHA clearly has an important story to tell, but we don't believe this is the appropriate vehicle for that story, and ECHA has other means at its disposal to clarify the public record.

In any event, I'm sure we'll talk more about this on Monday. I hope everyone has a pleasant weekend.

Best,
Leo

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